

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 CYBERGUN S.A., a French Corporation, and  
5 FN HERSTAL, S.A., a Belgian Corporation,

6 Plaintiffs,

7 v.

8 JAG PRECISION, a California Corporation,

9 Defendant.

Case No. 2:12-cv-00074-APG-GWF

**Order Denying Plaintiffs' Motion to Strike**

[Dkt. #124]

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11 Plaintiffs Cybergun and FN Herstal (collectively, "Cybergun") have moved under Rule  
12 12(f) to strike certain defenses and counterclaims in defendant Jag Precision's Answer to the  
13 Amended Complaint and Counterclaims.<sup>1</sup>

14 Cybergun's Motion is untimely. A party may move to strike "either before responding to  
15 the pleading or, if a response is not allowed, within 21 days after being served with the  
16 pleading."<sup>2</sup> Jag's Answer was filed on March, 2, 2012<sup>3</sup> and Cybergun's response was filed on  
17 March 23, 2012.<sup>4</sup> Cybergun moved to strike Jag's Answer on February 20, 2014.<sup>5</sup> Because  
18 Cybergun delayed for nearly two years before moving to strike, I deny its motion.  
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23 <sup>1</sup> (Dkt. #37.)

24 <sup>2</sup> Fed. R. Civ. P. 12(f)(2); *Jaden Inv. Trust v. Bank of Am., N.A.*, 2:13-CV-02063-MMD, 2014  
25 WL 293308 (D. Nev. Jan. 23, 2014); *Halifax Paving, Inc. v. U.S. Fire Ins. Co.*, 2006 WL  
26 3708090, \*1 (D. Fla. 2006) (denying motion to strike, in part, because of six month delay in  
27 filing).

28 <sup>3</sup> (Dkt. #37.)

<sup>4</sup> (Dkt. #41.)

<sup>5</sup> (Dkt. #124.)

1                   **IT IS THEREFORE ORDERED** that Plaintiffs' Motion to Strike is **DENIED**.

2                   DATED this 27th day of October, 2014.

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6                   ANDREW P. GORDON  
7                   UNITED STATES DISTRICT JUDGE  
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